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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TWITTER, INC., a corporation,

Defendant.

Case No. 3:22-cv-3070-TSH

**DECLARATION OF SCOTT P.  
KENNEDY IN SUPPORT OF UNITED  
STATES' OPPOSITION TO X CORP.'S  
MOTION FOR PROTECTIVE ORDER  
AND RELIEF FROM CONSENT  
ORDER**

Hearing Date: November 16, 2023

Hearing Time: 11:00 AM

The Hon. Thomas S. Hixson

Pursuant to 28 U.S.C. § 1746, I, Scott P. Kennedy, hereby declare:

1. I am a Trial Attorney in the Consumer Protection Branch of the U.S. Department of Justice's Civil Division. I am assigned to represent the United States in the above-captioned case. I submit this declaration in support of the United States' Opposition to X Corp.'s Motion for Protective Order and Relief from Consent Order ("Opposition"). The statements in this declaration are based on my personal knowledge and on information made available to me in the course of my duties as government counsel in this case.

2. Attached as Exhibit A is a true and correct copy of the Federal Trade Commission's ("FTC") May 26, 2022 Decision reopening and modifying the agency's March 2, 2011 order in FTC Docket No. C-4316, which is referred to in the United States' Opposition as the "Modification Order."

3. Attached as Exhibit B is a true and correct copy of the FTC's May 26, 2022 Decision and Order in FTC Docket No. C-4316, which is referred to in the United States's Opposition as the "2022 Administrative Order."

4. Attached as Exhibit C is a true and correct copy of excerpts from the deposition of Seth Wilson, which was conducted by the FTC on May 5, 2023.

5. Attached as Exhibit D is a true and correct copy of excerpts from the deposition of Andrew Sayler, which was conducted by the FTC on April 19, 2023.

6. Attached as Exhibit E is a true and correct copy of excerpts from the deposition of Damien Kieran, which was conducted by the FTC on December 2, 2022.

7. Attached as Exhibit F is a true and correct copy of excerpts from the deposition of Lea Kissner, which was conducted by the FTC on December 7, 2022.

8. Attached as Exhibit G is a true and correct copy of Exhibit 001 to the deposition of Lea Kissner, which was conducted by the FTC on December 7, 2022.

9. Attached as Exhibit H is a true and correct copy of Exhibit 011 to the deposition of David Roque, which was conducted by the FTC on June 21, 2023. This document was produced bearing Bates numbers EY\_FTC-0000057-60.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed on September  
2 11, 2023.

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4 /s/ Scott P. Kennedy  
5 SCOTT P. KENNEDY  
6 Trial Attorney  
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